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*and*  
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an E2F responsive promoter operable linked to a gene of interest, wherein said gene is a positive potentiator or a negative potentiator; and

(c) waiting until the nucleic acid cassette tranduces the malignant cell and expresses the gene.

26. The method of claim 25, wherein the E2F responsive promoter is selected from the group of promoters consisting of E2F1 promoter, dihydrofolate reductase promoter, DNA polymerase  $\alpha$  promoter, c-myc promoter and  $\beta$ -myb promoter...

#### REMARKS

Applicants have amended the method claims, rewritten as claims 25 and 26 to specify that the malignant cell targeted by the present method is one that will not repress an E2F responsive promoter. This is taught in the specification at pages 10-11. Claim 26 is supported by the specification at page 9. As such these amendments do not constitute new matter and their entry is respectfully requested.

Early and favorable action is requested.

Respectfully submitted,



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